

By



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/325,705	06/04/1999	TORU YAMADA	088941-0138	3162

7590 06/02/2005

FOLEY & LARDNER
WASHINGTON HARBOUR
3000 K STREET N W SUITE 500
P O BOX 25696
WASHINGTON, DC 200078696

EXAMINER

WONG, ALLEN C

ART UNIT	PAPER NUMBER
----------	--------------

2613

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<i>Advisory Action</i> <i>Before the Filing of an Appeal Brief</i>	Application No. 09/325,705	Applicant(s) YAMADA, TORU	
	Examiner Allen Wong	Art Unit 2613	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 April 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-10.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: Regarding the amendment to claim 1, claim 1 is now similar to claim 3, and the broad limitations of the claims. Regarding arguments on page 6 of applicant's remarks, applicant argues that "to half the size of the DCT coefficients and for each frame, selecting only one, but not both, of two fields that form the frame, each selected field consisting of selected field blocks". The examiner respectfully disagrees. Although Yonemitsu and Matsushima do not specifically disclose "to half the size of the DCT coefficients and for each frame, selecting only one, but not both, of two fields that form the frame, each selected field consisting of selected field blocks", however, Kim teaches the decimation of the frame to half the size of the DCT coefficients and for each frame, selecting only one, but not both, of two fields that form the frame, each selected field consisting of selected field blocks, as disclosed in figs.10 and 11 and col.8, ln.43-57. Also, in figs.10 and 11, the DCT coefficients' size is halved for each frame, where the size goes from 8x4 to 4x4, and as illustrated in flowchart of fig.12, there is only one, but not both, of two fields is selected as step S45 decimates even lines of the frame to form a selected field which consists of field blocks. Therefore, it would have been obvious to one of ordinary skill in the art to combine Kim's teaching into the combination of Yonemitsu and Matsushima for improving the image quality of the display of HDTV video images in an accurate, efficient manner, and for reducing financial costs, as suggested by Kim's col.4, ln.10-22. Further, the combination of Yonemitsu, Matsushima and Kim is considered combinable and reasonable because all three teachings pertain to the image analysis and MPEG video encoding environment. Thus, the broad limitations of the independent claims 1, 3 and 5 are met by the combination of Yonemitsu, Matsushima and Kim.

12. ☐ Note the attached Information Disclosure Statement(s). (P₂O/SB/08 or PTO-1449) Paper No(s). _____



Application No.
Allen Wong
Primary Examiner
Art Unit: 2613

U.S. Patent and Trademark Office
PTOL-303 (Rev. 4-05)

Advisory Action Before the Filing of an Appeal Brief

Part of Paper No. 052405